




Council Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The Honorable Mayor and City Council

From: Marc Elias, Jr., Chief of Police 

Date: July 9, 2013

RE: Proposed Resolution Establishing A Pre-Arrest Diversion (PAD) Program.

RECOMMENDATION

That the City Council adopt a resolution authorizing to do all things possible necessary to determine the feasibility and implementation of a Pre-Arrest Diversion (PAD) Pilot Program for six (6) months as an alternative to arrest and convictions for first time, non-violent offenders for certain misdemeanors, that would otherwise become part of the criminal justice system.

BACKGROUND

Existing alternative diversionary programs have successfully provided first time, non-violent offenders, charged with certain misdemeanor crimes, with viable alternatives to criminal prosecution and convictions, jail time and criminal records. The avoidance of a criminal record and its lifetime stigma is essential to seeking employment, education, military services, other vocational paths, and therefore its goal of reducing future crimes. Individuals who voluntarily choose the PAD Pilot Program will be required to participate in certain treatment plans such as comprehensive behavioral assessment, online educational courses, community service, job and life skills, counseling, etc.

Attachments

Proposed Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, RELATING TO A PRE-ARREST DIVERSION PROGRAM; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO DETERMINE THE FEASIBILITY AND IMPLEMENTATION OF A SIX (6) MONTH PRE-ARREST DIVERSION PILOT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, diversion programs are an alternative to arrests and convictions for first time and other types of non-violent offenders that would otherwise become a part of the traditional criminal justice system; and

WHEREAS, currently Miami-Dade County utilizes several types of alternative diversion programs such as the Juvenile Delinquency Alternative Program, Miami-Dade County Drug Court and the Misdemeanor Pretrial Diversion Program; and

WHEREAS, these types of programs have successfully provided offenders with viable alternatives to criminal prosecution and conviction and allows them to make positive changes in their lives; and

WHEREAS, individuals who voluntarily enroll in the PAD Program will be required to participate in certain treatment plans, including, but not limited to a comprehensive behavioral assessment, online educational courses, mandatory community service, job and life skills, and counseling; and

WHEREAS, in exchange for the completion of life skill and other necessary courses, successful participants of a diversion program are able to avoid convictions, jail time and criminal records; and

WHEREAS, the avoidance of a criminal record is an essential element when seeking employment, education, military service or other positive vocational paths; and

WHEREAS, after a feasibility determination, the City of North Miami ("City") will establish a six (6) month Pre-Arrest Diversion Program ("PAD") Pilot Program, to provide an

alternative to arrests and convictions for certain types of first time misdemeanor offenders ages 18-35 to be determined by the City; and

WHEREAS, the Mayor and City Council believe that it would be in the best interests of the residents of the City to implement a PAD program.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. Recitals. The recitals set forth above are adopted by the Mayor and City Council of the City of North Miami, Florida and are incorporated herein.

Section 2. Authorization to City Manager and City Attorney. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager and City Attorney to do all things necessary to determine the feasibility and implementation of a six (6) month PAD Pilot Program in accordance with the intent described above.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of July, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Carol F. Keys, Esq.	_____	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	_____	(Yes)	_____	(No)